

**International Association of Machinists and Aerospace Workers, Cascade Lodge No. 297 and Tacoma Boatbuilding Company. Case 19-CB-4948**

8 June 1984

**DECISION AND ORDER**

BY CHAIRMAN DOTSON AND MEMBERS  
HUNTER AND DENNIS

On a charge filed 18 October 1983 by Tacoma Boatbuilding Company, the Employer, the General Counsel of the National Labor Relations Board issued a complaint 17 November 1983 against International Association of Machinists and Aerospace Workers, Cascade Lodge No. 297, the Respondent, alleging that it has violated Section 8(b)(1)(B) of the National Labor Relations Act.

With respect to the unfair labor practices, the complaint alleges in substance that the Employer's general foremen, Edward Jackola and Rudolph Maurin, are supervisors within the meaning of the Act and that about 8 October 1983 the Respondent, acting through recording secretary Douglas K. Still, fined both Jackola and Maurin because they had crossed its picket line to perform certain supervisory functions for the Employer. The complaint alleges that by this conduct the Respondent has engaged in, and is engaging in, unfair labor practices affecting commerce within the meaning of Section 8(b)(1)(B) of the Act. About 23 November 1983 the Respondent filed an answer to the complaint admitting in part, and denying in part, the allegations in the complaint.

Subsequently, on 8 February 1984, the General Counsel filed a Motion for Summary Judgment. On 10 February 1984 the Board issued an order transferring the proceeding to the Board and a Notice to Show Cause why the motion should not be granted. The Respondent filed no response.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

**Ruling on the Motion for Summary Judgment**

In its answer to the complaint, the Respondent admits that Edward Jackola and Rudolph Maurin are supervisors under the Act, that both are representatives of the Employer for the purposes of collective bargaining and the adjustment of grievances, and that it fined both because they had crossed its picket line to perform certain supervisory functions for the Employer. However, the Respondent's answer also denies the commission of any unfair labor practice and requests that the

complaint be dismissed on the ground that it fails to state a valid claim for relief.

The Board has found that "a union violates Section 8(b)(1)(B) of the Act when it fines a supervisor-member for working behind his union's picket line, unless the work performed by him is more than merely minimally rank-and-file work."<sup>1</sup> Inasmuch as the Respondent in this case has admitted that it fined Jackola and Maurin because they crossed a picket line to perform certain supervisory functions for the Employer, we conclude that the Respondent has violated Section 8(b)(1)(B) of the Act.<sup>2</sup> Accordingly, we grant the General Counsel's Motion for Summary Judgment.

On the basis of the entire record, the Board makes the following

**FINDINGS OF FACT**

**I. JURISDICTION**

The Employer, a Washington corporation, is engaged in the business of construction and repair of ships and marine equipment at its facility in Tacoma, Washington. During the 12 months preceding issuance of the complaint in this case, a representative period, the Employer, in the course and conduct of its business operations, had gross sales of goods and services valued in excess of \$500,000 and, during that same period, also sold and shipped goods and materials or provided services valued in excess of \$50,000 either directly from its facilities located within the State of Washington to customers located outside that State, or to customers within the State of Washington which themselves are engaged in interstate commerce by other than indirect means. We find that Tacoma Boatbuilding is an employer engaged in commerce within the meaning of Section 2(6) and (7) of the Act, and that it will effectuate the purposes of the Act to assert jurisdiction herein.

**II. THE LABOR ORGANIZATION INVOLVED**

International Association of Machinists and Aerospace Workers, Cascade Lodge No. 297, is a labor organization within the meaning of Section 2(5) of the Act.

**CONCLUSIONS OF LAW**

By fining statutory supervisors Edward Jackola and Rudolph Maurin because each of them crossed a picket line to perform certain supervisory func-

<sup>1</sup> *Bricklayers Local 28 (Sal Masonry Contractors)*, 265 NLRB 744, 746-747 (1982).

<sup>2</sup> In so concluding, we emphasize that the Respondent does not contend here that Jackola and Maurin performed any bargaining unit work during the strike.

tions for the Employer, the Respondent has engaged in unfair labor practices affecting commerce within the meaning of Section 8(b)(1)(B) and Section 2(6) and (7) of the Act.

#### REMEDY

Having found that the Respondent has engaged in unfair labor practices within the meaning of Section 8(b)(1)(B) of the Act, we shall order that it cease and desist therefrom, and that it take certain affirmative action designed to effectuate the purposes of the Act.

As we have found that the Respondent unlawfully imposed fines on Edward Jackola and Rudolph Maurin, we shall order that the Respondent rescind the fines levied against these employees and reimburse them for any and all sums which they may have paid to the Respondent with interest as provided for in *Florida Steel Corp.*, 231 NLRB 651 (1977).<sup>3</sup>

#### ORDER

The National Labor Relations Board orders that the Respondent, International Association of Machinists and Aerospace Workers, Cascade Lodge No. 297, Tacoma, Washington, its officers, agents, and representatives, shall

1. Cease and desist from

(a) Fining or otherwise disciplining Edward Jackola and Rudolph Maurin, or any other supervisor of Tacoma Boatbuilding Company, for performing supervisory duties behind the Union's picket line.

(b) In any like or related manner restraining or coercing Tacoma Boatbuilding Company in the selection of its representatives for the purposes of collective bargaining or the adjustment of grievances.

2. Take the following affirmative action necessary to effectuate the policies of the Act.

(a) Rescind and expunge all records of the fines levied against Edward Jackola and Rudolph Maurin for performing supervisory duties behind the Union's picket line.

(b) Reimburse Edward Jackola and Rudolph Maurin for any and all sums which they may have paid as a result of the unlawful action in the manner set forth in the remedy section of the decision.

(c) Post at its offices and union halls copies of the attached notice marked "Appendix."<sup>4</sup> Copies

of the notice, on forms provided by the Regional Director for Region 19, after being signed by the Respondent's authorized representative, shall be posted by the Respondent immediately upon receipt and maintained for 60 consecutive days in conspicuous places including all places where notices to members are customarily posted. Reasonable steps shall be taken by the Respondent to ensure that the notices are not altered, defaced, or covered by any other material.

(d) Sign and return to the Regional Director sufficient copies of the attached notice marked "Appendix" for posting by Tacoma Boatbuilding Company, if willing, in conspicuous places including all places where notices to employees are customarily posted.

(e) Notify the Regional Director in writing within 20 days from the date of this Order what steps the Respondent has taken to comply.

itional Labor Relations Board" shall read "Posted Pursuant to a Judgment of the United States Court of Appeals Enforcing an Order of the National Labor Relations Board."

#### APPENDIX

##### NOTICE TO EMPLOYEES AND MEMBERS POSTED BY ORDER OF THE

##### NATIONAL LABOR RELATIONS BOARD An Agency of the United States Government

WE WILL NOT fine or otherwise discipline Edward Jackola and Rudolph Maurin, or any other supervisor of Tacoma Boatbuilding Company, for performing supervisory duties behind the Union's picket line.

WE WILL NOT in any like or related manner restrain or coerce Tacoma Boatbuilding Company in the selection of its representatives for the purposes of collective bargaining or the adjustment of grievances.

WE WILL rescind and expunge all records of the fines levied against Edward Jackola and Rudolph Maurin for performing supervisory duties behind the Union's picket line.

WE WILL reimburse Edward Jackola and Rudolph Maurin for any and all sums which they may have paid as a result of our unlawful action against them, plus interest.

INTERNATIONAL ASSOCIATION OF  
MACHINISTS AND AEROSPACE WORK-  
ERS, CASCADE LODGE NO. 297

<sup>3</sup> See generally *Isis Plumbing Co.*, 138 NLRB 716 (1962).

<sup>4</sup> If this Order is enforced by a Judgment of a United States Court of Appeals, the words in the notice reading "Posted by Order of the Na-